

**THE STATE OF NEW HAMPSHIRE  
JUDICIAL BRANCH  
SUPERIOR COURT**

Strafford Superior Court  
259 County Farm Road, Suite 301  
Dover NH 03820

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<http://www.courts.state.nh.us>

**ORDER OF NOTICE ON COMPLAINT  
PAD Rule 1\***

**Case Name: Federal National Mortgage Association v United States of America, Internal Revenue Service, et al**  
**Case Number: 219-2013-CV-00066**

A lawsuit has been filed against The State of New Hampshire, Department of Employment Security; United States of America, Internal Revenue Service in this Court. A copy of the complaint is attached.

**The Court ORDERS that ON OR BEFORE:**

April 06, 2013	Federal National Mortgage Association shall have this Order of Notice and the attached Complaint served upon The State of New Hampshire, Department of Employment Security; United States of America, Internal Revenue Service by in hand or by leaving a copy at his/her abode, or by such other service as is allowed by law.
April 13, 2013	Federal National Mortgage Association shall file the returns of service with this Court. Failure to do so may result in this action being discontinued without further notice.
30 days after Defendant is served	The State of New Hampshire, Department of Employment Security; United States of America, Internal Revenue Service must file a written appearance form and written answer or other responsive pleading form with this Court. A copy of the answer and/or responsive pleading must be sent to the party listed below and any other party who has filed an appearance in this matter.

**Notice to The State of New Hampshire, Department of Employment Security; United States of America, Internal Revenue Service:** If you do not comply with these requirements you will be considered in default and the Court may issue orders that affect you without your input.

Send copies to:  
Jonathan M. Flagg, ESQ

Flagg Law PLLC  
93 Middle Street  
Portsmouth NH 03801

BY ORDER OF THE COURT

  
Julie W. Howard  
Clerk of Court

February 20, 2013

(275)

**THE STATE OF NEW HAMPSHIRE**

**STRAFFORD**

**SUPERIOR COURT**

Federal National Mortgage Association  
14221 Dallas Parkway  
Suite 1000  
Dallas, Texas, 75254

v.

United States of America  
Internal Revenue Service  
290 Broadway #7  
New York, N.Y. 10007

And

The State of New Hampshire  
Department of Employment Security  
32 South Main Street  
Concord, NH 03301

**COMPLAINT TO QUIET TITLE**

**THE PARTIES**

1. The Plaintiff is a federally chartered corporation with its offices located in 14221 Dallas Parkway, Suite 1000, Dallas, Texas, 75254.
2. United States of America, Internal Revenue Service has its offices located at 290 Broadway #7, New York, New York, 10007.
3. The State of New Hampshire, Department of Employment Security has its offices located at 32 South Main Street, Concord, New Hampshire, 03301.

**JURISDICTION**

4. This Court has jurisdiction since this matter involves real property located in Dover, Strafford County, New Hampshire.

FACTS COMMON TO ALL COUNTS

5. On or about October 18, 1996, Raymond Beaudette and Lisa Beaudette (hereinafter "Beaudette's") were deeded title to two Lots of land, with the buildings thereon, as shown on a certain plan as Lot 48 and Lot 47 and recorded in Book 1894, Page 77, of the Strafford County Registry of Deeds.

6. Lot 48, as shown on the certain plan describes 51 Sixth Street, Dover, New Hampshire. Lot 47, as shown on the certain plan describes 53-55 Sixth Street, Dover, New Hampshire.

7. On or about March 13, 2002, the Beaudette's executed a New Hampshire single-family FNMA-FHLMC Mortgage to Sarah J. Gill d/b/a The Mortgage Specialists in the amount of \$177,500.00 on property located at 53-55 Sixth Street, Dover, (hereinafter "the property") Strafford County, New Hampshire and recorded at Book 2474, Page 818 (hereinafter "2002 Mortgage"). The mortgage was assigned to Washington Mutual Bank, FA at Book 2474, Page 838. The mortgage was assigned to JPMorgan Chase Bank, N.A. at Book 4038, Page 208. The mortgage was assigned to Plaintiff at Book 4063, Page 302.

8. The 2002 Mortgage, however, while it described "53-55 Sixth Street" by address, had a metes and bounds description of Lot 48 (51 Sixth Street), instead of the Lot 47 (53-55 Sixth Street) that they intended to mortgage.

9. The 2002 Mortgage, which is the subject of this suit, paid off a prior mortgage to Bank of America, N.A. recorded on July 19, 2000 in Book 2215, Page 627, signed by the Beaudette's, in the amount of \$140,000.00 (hereinafter "prior mortgage").

10. On July 19, 2010, the Beaudette's executed a Mortgage (hereinafter "Corrective Mortgage") which describes Lot 47 and was recorded on July 23, 2010 at Book 3849, Page 274, of the Strafford County Registry of Deeds.

11. United States of America, Internal Revenue Service, may be a party -in-interest by virtue of liens recorded on February 9, 2006 at Book 3329, Page 800; January 19, 2007 at Book 3484, Page 603; January 19, 2007 at Book 3484, Page 605; April 27, 2007 at Book 3520, Page 961. The referenced liens are blanket liens on the Beaudette's properties and were not attached to any particular property.

12. The State of New Hampshire, Department of Employment Security, may be a party -in- interest by virtue of liens recorded on August 25, 2006 at Book 3423, Page 863; August 25, 2006 at Book 3423, Page 864; March 15, 2007 at Book 3504, Page 343; March 15, 2007 at Book 3504, Page 344. The referenced liens are blanket liens on the Beaudette's properties and were not attached to any particular property.

COUNT I – PETITION TO QUIET TITLE

13. All of the allegations set forth in the preceding paragraphs are incorporated herein by reference.

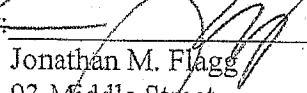
14. Plaintiff is entitled, under the doctrine of equitable subrogation, to be placed ahead of the interests of the parties-in-interest, because it did not act as a volunteer, it paid the prior debt in full upon which it was not primarily liable, and no injustice will work to the rights of others.

WHEREFORE, Plaintiff respectfully requests that this Honorable Court:

- A. Order that United States of America's and The State of New Hampshire's interests are subordinate to the Plaintiff's 2002 mortgage and corrective mortgage as though Plaintiff's 2002 mortgage had the correct metes and bounds description when recorded at Book 2484, Page 818; and
- B. For such other and further relief as this Court may deem just and proper.

Respectfully submitted,  
Federal National Mortgage  
Association  
By and through their Attorney  
Flagg Law, PLLC

Dated: February 12, 2013

By:   
Jonathan M. Flagg  
93 Middle Street  
Portsmouth, NH 03801  
603-766-6300